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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/635,805 | 08/11/2000 | Joseph G. Wirtz | 39992-400700 | 9228 |

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SEYFARTH SHAW, LLP
55 East Monroe Street, Suite 4200
Chicago, IL 60603-5803

| EXAMINER |
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GARG, YOGESH C

| ART UNIT | PAPER NUMBER |
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3625

DATE MAILED: 08/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 09/635,805 | Applicant(s) WIRTZ ET AL. | |
| | Examiner Yogesh C. Garg | Art Unit 3625 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment received on 5/30/2006 is acknowledged and entered. The applicant has currently amended claims 1, 13, 14, 18, 22, 26, 30 and 33. Currently claims 1-35 are pending for examination.

Response to Arguments

2.1. Applicant's arguments with respect to claims 1-35 filed on 12/30/2005 have been considered but are moot in view of the new ground(s) of rejection necessitated due to current amendments made to claims 1, 13, 14, 18, 22, 26, 30 and 33 and further these arguments are not persuasive.

2.2. The applicant argues(see Remarks, page 18, lines 15-23),that Hartman specifically teaches the transfer of information or data from the server to the client computer which is different from the claimed invention and further Hartman does not disclose or describe providing any sort of auxiliary file associated with the ordered items. The examiner respectfully disagrees. In the applicant's claimed invention the web page including the descriptive data of the item (promotional item) is also sent or transferred from a server, see the preamble of claim 1. Therefore, in both Hartman and the applicant's claimed invention the descriptive data for the items is transferred from the server only on a web page. In the applicant's invention the limitations recite that the descriptive data is sent in an auxiliary filed with the web page. In Hartman, the web

Art Unit: 3625

page (see col.4, line 3-col.5, line 8) is sent from the server, just like in the applicant's invention in respond to a customer's demand and the web page includes several sections, namely (see Fig.1A) "101-Summary description of item", (102-shopping cart" and "104-Detail description of item" and these sections correspond to associate/auxiliary files because they represent a complete set of data to be used by a program and are distinguishable from each other (see the definitions of a "file" and "web page" in Microsoft Press, Computer Dictionary, Third edition, 1997, on pg.194 and pg.506 respectively) and these associate/auxiliary files are read from the web page without accessing and querying the server.

The applicant argues, see page 16, lines 11-13, that in his invention the server responds to a request by sending a "Web page containing promotional items and merchandise". In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., " Web page containing promotional items and merchandise") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claimed invention discloses that the sent web page includes descriptive data related to the promotional item and does not recite that the Web page also includes the merchandise. Further, as analyzed above, Hartman does disclose sending a web page which includes descriptive data about the items which can be read without accessing and querying the server as

Art Unit: 3625

the descriptive data is already included, as a section in the sent web page which corresponds to an auxiliary file.

The applicant's arguments against the cited reference Airnet (see Remarks, pages 17-18) are directed to the fact that it does not remedy the deficiency of Hartman, that is displaying descriptive data of a selected item without accessing and querying the server. This argument is no more relevant because, as analyzed above, Hartman discloses this limitation. Nevertheless Airnet discloses that the electronic catalog web pages include auxiliary files providing access to part data (see pages 3-4. On page 4 EMPART publisher imports ASCII files to transfer pars data to EMPART viewer). Airnet pages 1-13, suggest that Electronic catalogs, Empart publisher, Partsmart and Empart viewer tools provide detailed, graphical descriptive and other relevant information from the auxiliary files attached to the electronic catalogs without having to query and access the server again. The electronic catalog pages correspond to a web page.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1. Claims 1, 2, 4-14, 16-20, 22, 24-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman et al. (US Patent 5,960,411), in view of web pages from web site www.airnet.com extracted from Internet on March 22, 2000, received with IDS,

Art Unit: 3625

paper number 4, pages 13, hereinafter referred to as Airnet, and further in view of Dan et al. (US Patent 6,519,627), hereinafter referred to Dan..

Hartman teaches a method, a system and a computer program product for permitting a user to order merchandise on a client that communicates with two or more servers, the servers responding to on –demand requests for a web page containing promotional items of merchandise, wherein the server sends to the client the web page and an auxiliary file containing descriptive data related to the items, comprising receiving, at the client, the web page and the auxiliary file, to produce description of the promotional item on a graphical user interface coupled to the client and configured to receive input from the user, synchronizing the selection panel with a duplicate of the selection panel located on the server , receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel, sending a purchase request to the server to purchase the promotional item sent to the selection panel in response to an order request from the user , allowing to delete items from the selection panel and the selection panel provides a metaphorical shopping cart, shopping basket or trolley (see at least col.1, lines 10-65, "... *The Internet comprises of a vast number of computers and computer networksinterconnected computers exchange information using.....the World Wide Web.....WWW allows a server computer system.....send graphical Web pages of information to a remote client computer system.....When the client computer system receives that Web page, it typically displays the Web page using a browser.....The HTML document contains various tags that control the displaying of text, graphics.....Many web servers have*

Art Unit: 3625

been developed through which vendors can advertise and sell product", col.2, line 17- col.4, line 58, *"....The selection of the various items...based on the "shopping cart" model.....server system metaphorically adds that item to a shopping cart...."*, and FIGS. 1A, 1B, 1C, 2, 3, 4. Note: the term promotional does not lend a patentable weight towards the structure of the system claimed. In Hartman, the products from advertising vendors (col.1, lines 47-49) relate to promotional items. Also selection panel in claim relates to shopping cart in Hartman.).

With regards to independent claims 1, 13, 14, 18, 22, 26, 30 and 33, the applicant's claimed invention recites that the web page includes the descriptive data of the item [promotional item] is also sent or transferred from a server, see the preamble of claim 1. Therefore, in both Hartman and the applicant's claimed invention the descriptive data for the items is transferred from the server only. See col.4, lines 26-30, wherein Hartman teaches that different sections provided on the web page, which are in form of associate/auxiliary files, can be removed or included as desired.

Hartman teaches that said displaying descriptive data is implemented in response to a pointer linked to an input device being moved over one of the promotional items or in response to an input device being operated to click on the promotional item (see col.1, lines 46-57. Hartman discloses that a user with the help of a browser can point to an item and select on the disclosed list of electronic catalog. It is understood that the pointing can be done by a mouse or a keyboard).

Hartman does not teach the limitation disclosed in dependent claims, that is implementing the descriptive data in a graphic depiction producing a parts explosion

Art Unit: 3625

image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel. Airnet discloses these missing limitations, see pages 1-13. Airnet teaches a graphic depiction producing an explosion image of items and further discloses using drag-and-drop tools to pick items and drop elsewhere (see at least page 5, page 6-Figure, and pages 9-13 wherein Airnet suggests that the electronic catalog web pages include auxiliary files providing access to part numbers, illustrations, prices, bulletins and other descriptive and relevant information and displaying this information on a panel in response to a user's selection from the provided data, see Airnet pages 1-13, which suggest that Electronic catalogs, Empart publisher, Partsmart and Empart viewer tools provide detailed, graphical descriptive and other relevant information from the auxiliary files attached to the electronic catalogs without having to query and access the server again. The electronic catalog pages correspond to a web page. Airnet discloses that the electronic catalog web pages include auxiliary files providing access to part data (see pages 3-4. On page 4 EMPART publisher imports ASCII files to transfer pars data to EMPART viewer). In view of Airnet, it would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman to implement the descriptive data in a graphic depiction producing a parts explosion image of the promotional item and that by clicking an item it can be dragged and dropped in the selection panel. Doing so would make the Hartman's system more convenient and efficient for the consumers to make online purchases (see col.3, lines 30-44 defining the objective of the Hartman's invention) as suggested in

Art Unit: 3625

Airnet (see at least page 6 Figure's Text under "Image Server") and be able to see the descriptive data in form of exploded images of the items, as shown in Airnet.

Hartman in view of Airnet does not suggest synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel. However, in the same field of endeavor, Dan teaches synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel (see at least col.2, lines 23-63 where the promotional item corresponds to a ticket and the auxiliary file corresponds to downloading of ticket database on the client with the webpage of Hartman and synchronizing is done between the selection panel displayed on the client and that of a duplicate selection panel on the server to check if the transaction can be completed or not). In view of Dan, it would be obvious to one of an ordinary skilled in the art at the time of the applicant's invention to have modified Hartman/Airnet to incorporate the feature of synchronizing the selection panel with a duplicate of the selection panel located on the server, receiving a confirmation signal from the server to verify that the promotional item has been added to a duplicate panel of the selection panel because it would allow to check and determine, after a disconnected operation between the client and server, if a change has occurred in the state of the resources since the operation was disconnected from the server and then completing the transaction only after getting

confirmation that no change has taken place, as explicitly demonstrated in Dan and making the system user friendly and convenient as desired in Hartman.

3.2. Claims 3,15,21, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hartman/Airnet/Dan and further in view of Bernhardt et al. (US Patent 6,496,208), hereinafter referred to as Bernhardt.

With regards to claims 3, 15, 21, and 23 Hartman/Airnet/Dan teaches a method, a system and a computer program product to order a merchandize on a client that communicates with the server and the server sends a file data displaying the description of the items being sold as disclosed in claims 1, 14, 18, and 22 respectively and analyzed above. Hartman/Airnet/Dan does not teach that when a item is pointed at to select it, it is displayed in different colors and each different color indicates a different property related to that item, for example, one color represents that the item may have a subassembly, another color may indicate that it has no further subassembly, and further another color may indicate that its price is discounted. However, as per information generally available it is well known practice to use color-coding while displaying data or information on computer screens to differentiate the information represented by each color, e.g., while displaying the performance of companies, stocks green and red colors indicate profits and loss respectively. Bernhardt expressly teaches the use of color-coding and color intensity to represent different values of data/information (see at least, abstract, Figs. 5 and 5A, col. 3, lines 7-14, col.5, lines 28-38, and col.6, line 48-col.7, line 40). In view of the knowledge generally available and as expressed in Bernhardt it

Art Unit: 3625

would have been obvious to a person of an ordinary skill in the art at the time of the invention to modify Hartman/Airnet/Dan to use color coding in describing the parts on computer screens to represent different characteristics about them.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,782,003 to Giroux et al. teaches explicitly that in a data management and transfer field a server transmits web pages with auxiliary files including text, graphics, audio, data files (see at least col.6, lines 20-29) and therefore makes the claimed limitation in the instant application, " a server sending a web page with an auxiliary file containing data related to promotional items" obvious.

(ii) US Patent 6,728,785 to Jungck discloses sending web pages with associate files, like image files (see Abstract and Fig.4) and therefore makes the claimed limitation in the instant application, " a server sending a web page with an auxiliary file containing data related to promotional items" obvious.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed

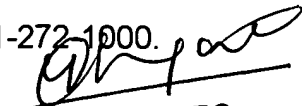
Art Unit: 3625

within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

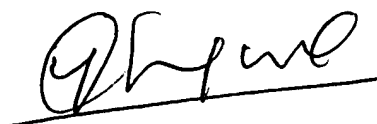


YOGESH C. GARG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600

Application/Control Number: 09/635,805

Art Unit: 3625

Page 12

A handwritten signature in black ink, appearing to read 'Yogesh C Garg', written over a horizontal line.

Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
7/29/06